

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Shalon et al.

Serial No.: 09/819,162

Filed: March 27, 2001

Title: *Capillary Printing Systems*

Art Unit: 1743

Examiner: Ludlow, Jan

Attorney's Docket No.: IN-0012-1

TERMINAL DISCLAIMER

The owner, Incyte Genomics, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending second Application Number 09/884,506, filed on June 14, 2001, the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding on the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record. The PTO suggested wording for terminal disclaimer was unchanged.

The Commissioner is authorized to charge the small entity terminal disclaimer fee to deposit account no. 19-0750 (order no. IN-0012-1).

Respectfully submitted,
SCIENCE & TECHNOLOGY LAW GROUP

Date: November 3, 2003

Richard Aron Osman, J.D., Ph.D., Reg. No. 36,627
Tel: (650)343-4341; Fax: (650)343-4342

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